

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Project Name

NEPA Number DOI- BLM-AZ-C010-2012-0019-CX

A. Background

BLM Office: Kingman Field Office Lease/Serial/Case File No.: AZA 33299

Proposed Action Title/Type: Renewal of Right-of-Way AZA 33299

Location of Proposed Action: lot 5, sec. 8, T. 27 N., R. 21 W., G&SRM.

Description of Proposed Action: Renew right-of-way AZA 33299 through Oct. 31, 2012. In 2006 a right-of-way had been granted on an area of approx.. 3.5 acres of public lands adjacent to private lands for a mineral material stockpiling and loading area for a period of 3 years, after which the area was to be reclaimed. The mineral materials, primarily decorative rock, were mined from the private lands (MS 2696). The right-of-way was renewed in 2009 for a term through September 16, 2011. The BLM's intention was to permit this for the initial three year period which should have allowed the owner of MS 2696 to have an area leveled off which would be large enough to move the stockpiling and loading of mineral materials onto private lands. The holder was notified of the pending expiration of the right-of-way but had not provided the BLM with a timeframe in which the area would be reclaimed until February 16, 2012.

B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): n/a

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

LR13a/v All other minor rights-of-way would be evaluated through the environmental review process and granted on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, **E (19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.**

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered this action as minor and upon the expiration of the right-of-way the affected public lands are to be reclaimed and therefore there is no potential for significant impacts from the proposed action.

D. Signature

Authorizing Official: /s/ Ruben A. Sanchez Date: 2/23/2012
(Signature)

Name: Ruben A. Sánchez

Title: Field Manager

Contact Person

For additional information concerning this CX review, contact Andy Whitefield, EPS, BLM Kingman Field Office at 928-718-3746.

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review

Extraordinary Circumstances	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. The area covered under the right-of-way is small and is to be used temporarily.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. No such areas or resources are within the affected environment.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. No controversial environmental affects related to this right-of-way have been identified nor are there unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. Constructing and operating an area for stockpiling, sorting, and loading rock and other material is a common action and in areas where there are no unique and/or sensitive resources the environmental effects are generally considered insignificant, at least at this scale, and the risks are known.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. It is the intention of the BLM to not authorize a renewal of this right-of-way upon its expiration.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. This is relatively isolated in nature.
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. No listed properties or properties eligible for listing are within the affected environment.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. No species that are listed or proposed to be listed are within the affected environment.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. No laws for the protection of the environment would be violated.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The effects of the proposed action would affect all population categories alike.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. No sacred sites are known to be in the affected area.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. Although it is anticipated that the area that has been cleared and leveled would provide a good area for introduced annual species such as red brome (<i>Bromus rubens</i>) and fillaree <i>Erodium cicutarium</i>), these are common throughout the area and as a term and condition of the right-of-way the disturbed area is to be seeded with native speices.

Approval and Decision Attachment 2

Compliance and assignment of responsibility : Lands and Realty

Monitoring and assignment of responsibility: Lands and Realty

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: /s/ Andy Whitefield **Date:** 2/21/2012

*Andy Whitefield, Environmental
Protection Specialist
Project Lead*

Reviewed by: /s/ Ramone B. McCoy **Date:** 2/21/2012

*Ramone McCoy
NEPA Coordinator*

Reviewed by: /s/ Ruben A. Sanchez **Date:** 2/23/2012

*Ruben A. Sánchez, Field Manager
Supervisor*

Project Description: Renew right-of-way AZA 33299 through Oct. 31, 2012. This would allow sufficient time for the holder to reclaim the lands in accordance with the terms and conditions of the right-of-way grant.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By: /s/ Ruben A. Sanchez **Date:** 2/23/2012

**Type name here
Field Manager, Kingman Field Office**

Exhibits:

- 1) **Stipulations:** See attached draft right-of-way grant.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT

SERIAL NUMBER AZA 33299

1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).

2. Nature of Interest:

a. By this instrument, the holder:

Nevada Red Gravel
7210 Placid Street
Las Vegas, Nevada 89119

receives a right to construct, operate, maintain, and terminate a mineral material screening, stockpiling, and loading area on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

A parcel of land within lot 5, sec. 8, T. 27 N., R. 21 W., G&SRM, described as follows:

Beginning at Corner 2 of M.S. 2696, thence S 4° 30' E a distance of 100 feet to the True Point of Beginning, thence S 85° 30' W a distance of 300 ft., thence S 4° 30' E a distance of 500 ft., thence N 85° 30' E a distance of 300 ft., thence N 4° 30' W a distance of 500 ft. to the True Point of Beginning.

b. The right-of-way or permit area granted herein is 300 feet wide, 500 feet long, and contains 3.444 acres, more or less.

c. This instrument will terminate on October 31, 2012 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.

d. This instrument may not be renewed.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, and C dated February 21, 2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- d. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof.

- e. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Authorized

(Signature of Holder)

Officer)

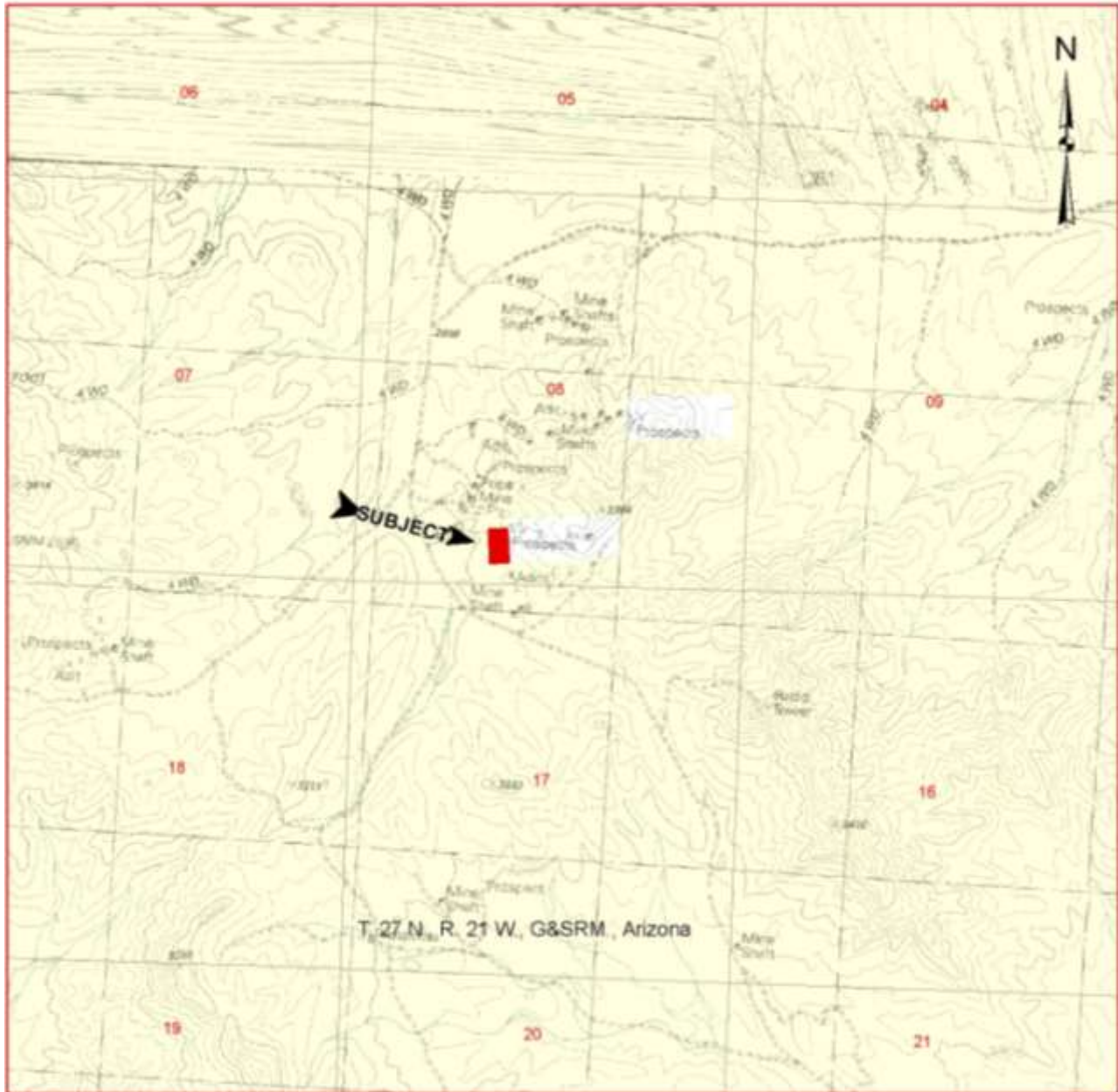
(Title)

(Title)

(Date)

(Effective Date of Grant)

EXHIBIT A
AZA 33299
FEBRUARY 21, 2012



0 0.25 0.5 1 Miles



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

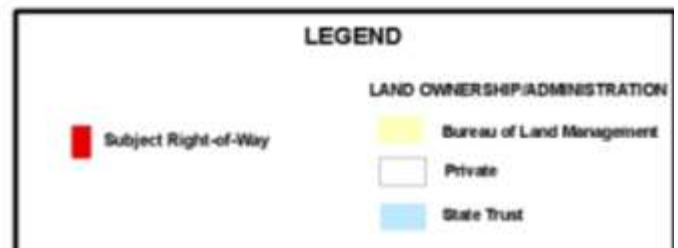


EXHIBIT B
AZA 33299
February 21, 2012

A. CONSTRUCTION, OPERATION, AND MAINTENANCE

1. The holder will mark the corners of the property under this right-of-way with standard "T" fence posts and these will be painted bright orange.
2. The Holder will conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
3. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.
4. The Holder shall minimize disturbance to existing improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. The Holder will contact the owner of any improvements prior to disturbing them.
5. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf, on public or Federal land will be immediately reported to the Authorized Officer. Holder will suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the Holder.
6. The holder will perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
7. Holder will not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.

AZA 33299 Exhibit B, p.2 of 2 pages

8. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all

discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

9. Use of pesticides shall comply with the applicable Federal and State laws. Pesticides and herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to use.

10. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

11. No fuels or toxic substances will be stored within the right-of-way area granted herein.

12. Upon the expiration of right-of-way AZA 33299 the holder will restore the lands, except for that portion embraced by road rights-of-way AZA 33227 and AZA 35902, in accordance with the reclamation plan attached to and made a part of the right-of-way as Exhibit C.

Exhibit C
AZA 33299
February 21, 2012
Reclamation Requirements – Mineral Material Area

1.0 General

These requirements pertain to public lands disturbed by the area under right-of-way grant AZA 33299. Prior to or upon expiration, early relinquishment, or termination of that grant the holder will re-contour the disturbed area and obliterate all earthwork by removing embankments, backfilling excavations, pulling berms, and grading to re-establish the approximate original contours of the lands within this right-of-way, except for that portion embraced by road rights-of-way AZA 33227 and AZA 35902.

2.0 Seeding

3.1 Seed Application: Seed may be broadcast by hand or by machine. The use of a seed drill is not recommended due to the different sizes of the seed.

3.2 Covering Seed: The seed is to be covered the same day as broadcasting by dragging a piece of chain link fence behind an all-terrain vehicle, light truck, or similar vehicle.

3.3 Seed Mix and Rates: The disturbed areas are to be seeded with the species and rates listed in Table 1 (below).

TABLE 1: SEED MIX*	
Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Spaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
Arizona Lupine (<i>Lupinus arizonicus</i>)	9 lb.
Flattop Buckwheat (<i>Eriogonum fasciculatum</i>)	1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Blackbrush (<i>Coleogyne ramosissima</i>)	1/2 lb.
White Bursage (<i>Ambrosia dumosa</i>)	1/2 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

PROJECT COORDINATION

Minutes

1:30 p.m.

1-17-2012

Facilitator: W Boyett Recorder: W Boyett Timekeeper: L Marceau

Agenda Items: Brief description, legal description, general location, name of presenter, time needed.

Rules: 90 minute meetings
No side conversations
Stick to time limits

Additional agenda items added at end of meeting if time permits

PAST DUE CLEARANCES: None

DECISION RECORDS TO BE DISCUSSED: None

PROJECT:

1) Mohave County Flood Control has four flood monitoring stations applied for. The monitoring stations that are applied for are as follows, Cyclopic AZA 35521, Basin Well AZA 35527, Flat Rock Spring AZA 35519, and Granite Peak AZA 35531. The proposed stations would each be 10 ft. above the ground with a 12 in. diameter aluminum pipe with various sensors mounted on or inside the pipe. The pipe is mounted in concrete 2 ft. deep and 2 ft. in diameter. The proposed ROW would be year round. Existing roads and washes would be used where possible but off road travel may be necessary for installation. (Melissa 10 min.). Proposed CX. 30 days for input. File located in share drive under Lands\MohaveCnty\MohaveCoFlood Control>alertmonitoringROWS. Becky Peck T&E/Wildlife, Tim Watkins Cultural, Amanda Deeds VRM, C Benson Wild Horse and Burro.

2) DNA for moving an equestrian access from section 8 T20N R19W to section 16. Work to be carried out by volunteers – Backcountry Horsemen. This is in the Mount Nutt Wilderness. (Ramone 10 min.). Access for horses and riders into wilderness. Not an allotment boundary fence used only to restrict vehicular access. 30 days or sooner for input. B Peck Wildlife, C Benson Wild Horse and Burro, T Watkins Cultural.

3) Assignment of communications use leases AZA 22683 at Hayden Peak, AZA 30115 at Willow Beach (the comm site, not the campground), and AZA 30116 at Patterson Slope from Jim Vine to Global Towers Partners. Compliance was conducted on these in October 2011 and there was a white microwave dish on the tower at Hayden Peak, which is not in compliance with the terms and conditions of the lease. The other facilities were in compliance. The intention is to process the assignments under one CX and the two leases in compliance would be assigned and the assignment of AZA 22683 would be held for denial pending being brought into compliance. It will be after snow melt before a compliance check can be done. (Andy 10 mins). 30 days to comment. B Peck Wildlife/T&E, T Watkins Cultural, A Deeds VRM.

4) Renewal of Nevada Red Gravel mineral material stockpiling, screening and loading area in sec. 8, T. 27 N., R. 21 W. (refer to map). This is adjacent to a patented mining claim which the owner bought to mine for decorative rock. The private lands were too steep to begin mining so an application was filed for a right-of-way which was granted in 2006. The intent was that this would
Renewal of Right-of-Way AZA 33299 CX-AZ310-2012-0019

be a short term arrangement (the right-of-way had a term of 3 years) and as material was taken from the private land the operation would be moved onto it and the public lands restored (except for the access road which is covered under a separate right-of-way). Upon the initial expiration of this right-of-way in 2009 there was not quite enough of a leveled area on the patented ground to move the operation onto it and the right-of-way was renewed for two years, which expired in September 2011. Melissa and I met with the holder's representative to discuss reclamation and since there is now enough level ground on the patented land to move the operation onto it is proposed to renew the right-of-way only for a term long enough for the holder to reclaim the area. (Andy 10 mins.). Holder had a reclamation plan. 30 days to comment. B Peck Wildlife/T&E, L Marceau VRM, T Watkins Cultural.

5) Mr. and Mrs. Warner had originally applied for a ROW for a road. After meeting with the couple they have requested a ROW for a ditch. The area is north of Kingman in T. 24N., R. 14W., sec. 30 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$. The ROW would be 15 ft. by 150 ft. to divert water around their property. There is a fence along the section line that would not be disturbed. The road was put in cutting across the natural drainage. Application received in 2007. (Melissa 10 min.). 30 days to comment. T Watkins Cultural, B Peck Wildlife/T&E, M Blanton Range.

6) Reminder for Wilderness characteristic baseline to Ramone by the middle of February.

7) Route evaluation January 30 to February 3. E-mail to follow. Southern Poachie unit then Bagdad unit. June 25 to June 29, July 30 to August 3 for the next two route evaluations.

Attendees: Becky Peck, Chad Benson, Don McClure, Ramone McCoy, Andy Whitefield, Len Marceau, Amanda Deeds, Dave Daniels, Randy Allison.

Next meeting: Feb. 8, 2012 10:30 a.m.

Facilitator: Len Marceau

Recorder: Amanda Deeds

Timekeeper: Andy Whitefield



KINGMAN FIELD OFFICE SCOPING FORM

Proposal:

DOI-BLM-AZ-C010-2012-0018-CX _____
NEPA Document Number RMP Implementation No.

S:/BLMshare:
Document Location

Land Description:

Applicant:

Authorization:

INVOLVEMENT: Indicate in the left column which disciplines need to provide information into the EA.

Needed Input (X)	Discipline	Signature
	Lands	
	Minerals	
	Range	
	Wild Horse and Burro	
	General Recreation	
X	Cultural and Paleontological Resources	/s/ Tim Watkins
	Wilderness	
	Soils	
	Surface and Groundwater Quality/Water Rights	
	Air Quality	
X	Wildlife	/s/ Rebecca Peck
X	Threatened and Endangered Plants and Animals	/s/ Rebecca Peck
X	Migratory Birds	/s/ Rebecca Peck
	Surface Protection	
	Hazardous Materials	
	Areas of Critical Environmental Concern	
X	Visual Resources	/s/ Len Marceau
	Socio-Economics/Environmental Justice	
	General Botany/Noxious Weeds	
	Energy Policy	

Writer: /s/ Andy Whitefield _____

Date: 1/17/2022 _____

Environmental Coordinator: /s/ Ramone B. McCoy _____

Date: 2/21/2012 _____

Field Manager: /s/ Ruben A. Sanchez _____

Date: 2/23/2012 _____